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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/003,471

Filing Date: October 31, 2001

Appellant(s): HICKEY et al.

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David Griner  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the Appeal Brief filed on 01/12/10 appealing from the Office action mailed on 04/14/2009.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal. Further, the arguments regarding the 112 (2) are moot since the Examiner herein withdraws the said rejection.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

**7062462**                   **Ireland**                   **6/2006**

**(9) Grounds of Rejection**

**Claim Rejections - 35 USC § 112**

The Examiner herein withdraws the 112(2) rejection.

**Claim Rejections - 35 USC § 103**

**Claims 19-29 and 30-40 are rejected under 103(a) as being unpatentable over Ireland, USP 7,062,462B1.**

As per claims 19-26, 27, 29-31 and 33-40, Ireland discloses a method of providing a user with education financing information, including the acts of: maintaining an electronic site (web site) on a computer network (Internet) to which the user (college student or prospective student) may connect (**providing education financing information, including information regarding available scholarship, to college students or prospective students via a web site over the Internet;**) sending data to the user over the network for presenting at least one electronic screen containing financial award information concerning a potential student of an educational institution, the financial award information including a monetary award (scholarship award), which may be used for the student to attend the educational institution and sending data to the

user over the network when requested for presenting at least one electronic screen containing cost projection information, the cost projection information being a function of the award and including an amount of money required for the (prospective) student to attend the educational institution (See abstract; ).

In general, many individuals require financial assistance in paying for an education, whether it be in the form of grants, scholarships, special employment (e.g., work-study programs), and/or loans. Many such educational institutions (e.g., schools, such as colleges and universities) provide various forms of assistance in obtaining financial aid for potential students (col. 1: 24-38). Financial aid office of schools, colleges and universities will mail many financial aid award packages (scholarship awards) to potential students with the hope that the financial aid award is attractive to the student and that the student will accept the award and attend the school. The cost for mailing many financial aid award packages can be substantial. For instance, each package may cost approximately \$10.00 to mail to 1000 potential students. Accordingly, schools are interested in other modes of transmitting financial aid award packages to their potential students, which are less costly (col. 1: 39-49). Further, a system called CollegeNET has been developed and offered by Sallie Mae, which provides a system for presenting financial award (including scholarship awards) information over the Internet to potential students (providing education financing information, including information regarding available scholarship, to college students or prospective students via a web site or Collegenet site over the Internet). A particular school mails an award letter to a potential student, which includes a user name and password to access a secure website. The student logs onto the website and accesses their financial aid

**award package. The student can choose a preferred lender if a loan is awarded and input other information necessary for accepting the award. The student's response to the award is reported to the school (col. 2: 32-41). Students obtain financial aid based on need or merit or a combination thereof (col. 2: 60-62; col. 3: 1-17).**

(See col. 3: 20 to col. 5: 14).

**A plurality of school administrators 60 from a plurality of schools transmit financial award information, including scholarship award information, from their respective schools over the computer network 20 (Internet) concerning potential students 50 (prospective scholarship recipients). Microprocessor 12 and network interface 16 preferably respond by sending data over the network 20 for presenting at least one electronic screen (i.e., an electronic file containing information suitable for presentation to the students/parents 50), which contains the financial award information (fig. 1; col. 6:10-28). Next, following a clearing process, a school administrator 60, from a particular school, preferably mails a letter to a potential student 50, which contains an announcement that a financial aid award package, including a scholarship award, has been granted to that student 50, meeting or satisfying one or more conditions or requirements or criteria (e.g. the student 50 has applied to the school), and may be obtained by visiting the website on the computer network 20 (notifying a prospective student or scholarship candidate that he has won or received the award or scholarship or posting an announcement in a piece of mail sent to a candidate or prospect or college student notifying him that he has won the award or scholarship). The letter preferably contains a URL address, user name and password (col. 6: 29-34).**

Once a student/parent successfully logs into the system website, the process flow and control causes the network server 10 to provide data presenting an electronic screen (interface) to the student/parent 50 representing the home page of the website (FIG. 3B). The home page includes an area 312, which identifies the student 50 by name, student ID or social security number, address, and telephone number. The name of the school may be provided at area 314 and a welcome message from that school may be included in area 316. With reference to FIGS. 3B, 2B and 2C, area 318 provides links to other portions of the website, in **particular:** (i) **instructions on how to use the application** may be activated and reviewed (step 238); (ii) a link to the student's 50 award package may be activated (step 210, FIG. 2C); (iii) a link to the policies, rules **and/or regulations for financial aid and scholarships** may be activated (step 232) (iv) **a link to information about the school may be activated** (step 240); (vi) a link to security information about the website may be activated (step 244); and (vii) a link to additional information about the school, such as promotional material, may be activated (step 246) (in short, the student/parent fills out an electronic form or application for a scholarship award via a website over the Internet) . See col. 7: 11-31). Preferably, the amounts of grants 322A of fig. 3C, **scholarships** 322B, jobs 322C and loans 322D for at least individual school terms, school years, and totals for the school year 322E are featured on the website. Subtotals for the grants, **scholarships**, jobs, and loans are also preferably provided. At 322F, a total award package amount is provided, which indicates the amount of award money, which may be utilized by the student 50 to attend the school for the entire school year (**fig. 3C; col. 7:41 to col. 8: 6**).

**(With reference to FIG. 3C, a schematic representation of an electronic screen suitable for presenting the financial aid award package to the student/parent 50 is illustrated. The**

**electronic screen includes an area 322, which contains the details of the financial aid award package. Area 322 preferably includes details on the sources of the funds for the award package, namely: (i) grants (e.g., Federal Pell grant, Federal SEOG, State grants) 322A; (ii) scholarships (e.g., institutional scholarships, non-institutional scholarships, State scholarships, private scholarships, etc.) 322B; (iii) jobs (e.g., Federal work study jobs, institutional work study jobs, teaching assistanceships, etc.) 322C; (iv) and loans (e.g., Federal Perkins loans, Federal Unsubsidized Stafford loans, institutional loans, Plus loans, private loans, private signature loans, etc.) 322D. Preferably, the amounts of the grants 322A, scholarships 322B, jobs 322C and loans 322D, are shown for at least individual school terms, school years, and totals for the school year 322E. Subtotals for the grants, scholarships, jobs, and loans are also preferably provided. At 322F, a total award package amount is provided which indicates the amount of award money, which may be utilized by the student 50 to attend the school for the entire school year. fig. 3C; col. 7:41 to col. 8: 6)).**

It is expected here that a financial aid application form or a scholarship application form should be filled out online via the web site (i.e. electronic form) or off-line (paper form) by interested students and a student must satisfy some conditions or eligibility criteria before some sort of financial aid or scholarship award can be granted. In other words, a financial award, including a financial aid, scholarship, is granted to a candidate or prospective student based at least on merits (col. 2: 60-67).

As per claims 19, 20, 22, 24-25, 29-31 and 35-40, Ireland does not expressly disclose nominating (by a member of the general public) or voting for one or more scholarship recipients

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(nominees) via an online form available at a web site (providing a form on a web site to nominate a scholarship recipient), providing a form on the web site to a nominee or members of the public to vote for other nominees or himself/herself (here, one single form can be used for both functions or for nominating and voting), preventing a voter/nominee from voting multiple times, awarding a scholarship to the (first) recipient or nominee who receives the most votes or a predetermined number of votes at the end of a voting period (beyond which votes cannot be submitted or counted) and posting an announcement of a scholarship winner on the web site.

#### “Official Notice”

However, the process of receiving by a center or a committee from a person (voter) a nomination on behalf of another person or recipient (second person or nominee) is old and well established in the art for many years. For example, the process by which elected officials are elected in a democratic system or country, such as the USA, allows one or more registered individuals or voters, including a candidate himself/herself, to visit a local voting location to vote for a single candidate (second person), including for himself/herself, among a plurality of candidates running for the same post or office (US Senate) during the primary or general elections, wherein the candidate with the most votes will win the race or the post (award or reward) and have a chance to serve or represent his constituency in Washington, D.C (The Nation’s Capital). In general, despite some pitfalls, the system is considered to be for the most part fair and square. An election committee collects the votes from different local voting places and local precincts and sorts outs and tabulates and presents the final results. As the results are coming from different local precincts in different districts, it could be clear who the winners are

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going to be. Moreover, nominating a singer, an actor (actress or nominee) in different categories for a Tony Award or Grammy Award, nominating an individual to receive a “Nobel Prize” (Nobel Peace Prize or Nobel Prize in Literature, medicine etc.), nominating a teacher for the “Teacher of the Year Award” and nominating a fellow worker or employee by other employees for the employee of the month or the year depict one or more methods for receiving by a committee a nomination from a first person for recognition for a second person (nominee) so as to provide an award or a prize to the nominee or second person if the nominee collects the most votes to thereby win the nomination.

Furthermore, it has been disclosed that local, State-wide, primary and general elections can be conducted over the Internet, wherein a voter, using a computer, can vote or nominate a candidate or a second person for a post or a position in the privacy of his own home. One having ordinary skills in the art would have understood that the election committee would have to use a server or web server (election server) connected to the Internet in order to receive the nominations or the votes from one or more voters on behalf of one or more candidates, wherein the one or more voters could use clients or personal computers coupled to the Internet to access a web site related to the election server in order to vote for one or more candidates.

In addition, it is well established in the industry, for example, that the National Basketball Association (NBA) receives nominations, via a form posted on its site, for players for different posts who will compose the All-Star Western and Eastern squads, nominations for the most valuable player (MVP) of the year or the Western and Eastern Conference Final or the NBA final, from individuals who access, using their clients or personal computers, the NBA web site

having a web server for storing the various data or nominations submitted by these individuals or voters.

Additionally, a process to notify a winner in a primary or general election, a Nobel Peace Prize winner, the NBA MVP of the year, etc., is well expected in each of the scenarios described above. It is also understood that many intervening steps, agencies and officials or committee members may be involved in the different scenarios herein mentioned.

Moreover, the number of clients or personal computers and servers used (the amount of hardware) and the number of people or committee members or personnel involved in the decision making process to approve or reject a nomination for “The teacher of the Year Award” or the “Nobel Peace Prize”, for instance, vary from one committee to another and are unique and dependent upon a committee’s desires. Here, it is expected that a nominee for an award, such the “Tony Award”, or a prize, such as the “Nobel Peace Prize”, will be notified that he/she has been nominated for such an award or prize.

It is also common practice in the art that College Applicants are given a chance to receive a scholarship based one or more criteria including the writing of an essay in the end. The selection process or the winner(s) of the scholarship is performed via a nomination process. During the process, Applicants who are qualified to continue to compete for the scholarship receive an invitation or a notification, which is posted on a website.

In general, in all voting procedures, the candidate or nominee with the most votes wins.

It is well documented in the art to confirm a purchase or any other type of transaction, such as registering for an event, participating in a contest, etc., via e-mail.

Further, using a form for nominating an award recipient and another form for voting for a nominee or award recipient is a matter of desires, which does not affect the functionality of the system, since a single form can be used for both nominating and voting for an award recipient or nominee.

Finally, it is common practice in the art to publish or post on print media, broadcast on radios or TVs or simply make available or post on an interface or web site coupled to a network, such as the Internet, the results of a contest, election, nomination process and/or voting process so that the general public at large is made aware of such results. For instance, the results or the names of Tony Award or Grammy Award winners, Congressional elections, Presidential election and so on are broadcast on local radios and TVs, published in print media and posted on at least one web site, related to an entity organizing or running the different events, so that the public at large is made aware of such results.

Therefore, it would have been obvious to an ordinary skilled artisan, knowing the above information at the time of the invention, to incorporate the above disclosure (“Official Notice”) into the Ireland’s system so as to have a committee or a plurality of voters, including the candidates themselves, vote for one or more scholarship candidates by submitting their votes or ballots, via an online form available at a web site, on behalf of the one or more prospective recipients or candidates, including themselves, wherein a notification process is used to announce the winner(s) via the web site, meeting the eligibility criteria (e.g. candidate(s) wanting to attend a particular school or university related to a scholarship) and receiving the most votes, of a particular scholarship related to a specific school, thereby reducing the school or grantor’s

liability by conducting a nomination and voting process to fairly determine from a pool of prospective recipients the “most aspiring” or “luckiest” scholarship candidates, receiving the most votes, who should in the end or at the end of a period receive a scholarship award to attend the specific school selected by the candidates, especially when resources are scarce and a lot of respondents have shown interest in the scholarship, in response to the school administrator’s invitation or letter to offer a scholarship to students willing to attend the school, by visiting an associated website where they can receive more information about the scholarship featured in the administrator’s invitation or offer before the nomination or voting actually takes place.

As per claim 28, Ireland does not expressly teach posting a list of nominee identifiers to identify a nominee to a voter, the identifier not revealing the name or address of the nominee (not revealing the nominees’ names to the public).

However, as shown above, a list of the candidates is posted online in order for the voters to vote for at least a candidate for a particular position (NBA scenario). It also common practice to post a list of identifiers or pseudonyms, instead of individuals’ real names, in a “buddy list”, thereby protecting the individuals’ privacy, while maintaining confidentiality. “Official Notice”

Therefore, an ordinary skilled artisan, knowing the above information, would have been motivated at the time of the invention to incorporate the above disclosure (“Official Notice”) into the Ireland’s system so as to post online a list of identifiers or pseudonyms, representing scholarship candidates’ or nominees’ real names, and to have a committee or a plurality of voters vote for one or more nominees by selecting one or more related identifiers therefrom, thereby protecting the individuals’ or nominees’ privacy and maintaining confidentiality, while keeping

the selection or decision process fair and square by avoiding nepotism or favoritism since the voters do not know the real names of the nominees for whom they are voting for, but their credentials or accomplishments.

As per claim 32-33, Ireland does not expressly disclose removing a scholarship winner from eligibility for additional scholarships for a specified period and causing votes to expire and not counting them after a predetermined period of time.

“Official Notice”

However, it is common practice in the art to prevent a scholarship winner or contest (sweepstakes) winner from entering another contest or applying for additional scholarships for a preset period of time.

Further, it is understood that any entry (into a contest) or submission or nomination or vote on behalf of a nominee or scholarship recipient or candidate should be received or submitted for a specified period of time after which entries, submissions, nominations or votes are not be counted. In other words, submitting an entry or voting for an individual or candidate is a time-sensitive process.

Therefore, it would have been obvious to an ordinary skilled artisan, at the time of the invention, to incorporate the above disclosure (“Official Notice”) into the Ireland’s system so as to prevent a scholarship winner from applying for additional scholarships for a preset period of time and not to count late votes or nominations submitted after a delay has expired, thereby giving another scholarship candidate an opportunity to win a scholarship and have a chance to go

to college, while encouraging prospective college students to visit the web site on a timely fashion to apply for a particular scholarship.

## **(10) Response to Argument**

### **112 (2) Rejection**

The Examiner herein withdraws the 112(2) rejection. Thus, the Appellant's arguments, as featured on pages 6 and 7, are being moot.

### **103() Rejection**

First, Appellant argues that Ireland, the primary reference, fails to teach all the elements of claims 19-40 or more specifically of independent claims 19 and 30. Ireland, continues the Appellant, merely teaches a method of providing students and parents with educational financing information **and says nothing about methods of awarding scholarships, which is the subject matter of the Appellant's invention and the Examiner essentially admitted the latter in the final action** (See pages 8 and 9 of the Brief). In response, the Examiner completely and respectfully disagrees with the Appellant's findings. Indeed, the claims or at least independent claim 19 recite, in a first limitation, "executing web server software on a server to provide a form on the web site to display on a client computer for use in nominating a college student or prospective college student for potential receipt of a scholarship", "receiving the completed form nominating a college student or prospective college" and, in a second limitation, "executing web server software on a server to provide a form on the web site for display on a client computer through which a nominee or a member of the general public can cast a vote for one or more

nominees" and receiving by the server the completed form casting the vote for the one or more nominees". Here, it appears that the process ends with the first claim limitation when the completed form nominating a college student for a scholarship was received. Further, the second claim limitation recites, *inter alia*, a nominee; unless the nominee is the same as the college student mentioned in the first limitation, the claim maybe confusing.

Second, contrary to the Appellant's understanding of the prior art teaching, Ireland does teach a process for allowing parents and/or prospective college students to receive online via a web site through an electronic screen, among other things, educational and financial information, regarding a particular college or university, **which contains details of financial aid award package, details on the sources of the funds for the award package, namely grants (e.g., Federal Pell grant, Federal SEOG, State grants) 322A) scholarships (e.g., institutional scholarships, non-institutional scholarships, State scholarships, private scholarships, etc.) and so on (col. 7:41 to col. 8: 6).** It is herein understood that once a parent or prospective college student fills out an application (form) related to a particular scholarship where he designates or nominates himself as the recipient of the said scholarship since the prospect, being a member of the general public, can nominate himself as the potential recipient of the said scholarship (nominating step), the completed form is being forwarded to the system (server), a third-party clearinghouse for processing (receiving step). Here, contrary to the Appellant's contention, Ireland, as best understood, teaches a method for providing scholarship information to prospective students. In addition, as seen on pages 9 and 10 of the Brief (mapping of claim 19), the Appellant's understanding or interpretation of the prior art is too simplistic or narrow, as one of ordinary skills in the art would have concluded at the time of the invention.

Having said that, as admitted in the Final Office Action by the Examiner, Ireland does not expressly teach providing a scholarship to a prospective college student or recipient based on a voting process or determining a scholarship winner based on the number of votes cast on behalf of a prospective college student. As seen above, contrary to Appellant's conclusion, the rejection is not based entirely on "Official Notice" (page 10 of the Brief) since Ireland does disclose providing, among other things, scholarship information to prospective college students and Ireland's disclosure is in the same field of endeavor as the present Application.

Here, to address the deficiency in Ireland, i.e. lacking voting process, "Official Notice" was taken and it appears that Appellant disagrees with the materials described in the "Official Notice" for lacking adequate documentary evidence (page 10 of the Brief). Contrary to the Appellant's position, **the "Official Notice" was taken prior to the Final Action** and it is proper **to take "Official Notice" of "facts" without citing a prior art reference where the "facts" asserted to be well known are capable of instant and unquestionable demonstration as being well-known, i.e. the facts are easily identifiable (M.P.E.P.)**

**§ 2144.03(A).** In fact, the crux of the "Official Notice" is that voting or nominating a person for a position is well-known and has been practiced for years well before November 2000. Clear and daily examples, easily identifiable in the art, were cited by the Examiner in support of the "Official Notice". For instance, the Examiner has cited political elections in the USA, Tony Award, Grammy Award and Nobel Prize nomination practice, which eventually leads to an elected Official, an Award recipient or Prize winner based on some criteria or the number of votes cast on behalf of a candidate or nominee. In fact, in US political elections, a candidate or

prospect (nominee) is able to nominate or vote for himself or herself in addition to the votes cast, on his/her behalf, by the public or a segment thereof. In general, when daily or practical examples, **capable of instant and unquestionable demonstration or** easily identifiable, are used to illustrate or work out an “Official Notice”, no additional written evidence, based on the MPEP, is required to support the said “Official Notice”. If, however, the Appellant decides to challenge the “facts” cited under the “Official Notice” because the Appellant believes that those “facts” are not accurate based on the Appellant’s understanding of those “facts” or written evidence submitted by the Appellant, then the Examiner, in response, should provide a written document or affidavit to support his position. However, that is not the case here. Simply requesting a written document in support of an “Official Notice” because the Appellant disagrees with the Examiner’s assertion featured therein (see pages 10-14 of the Appeal Brief) without pointing out the deficiency in the said “Official Notice” is never a good practice since it does not help advance the discussion. If the Appellant is not familiar with the well-documented systems discussed in the “Official Notice”, the Appellant should “say so” on the record. It is unclear whether or not the Appellant wants the Examiner to provide a written document to support, for example, the assertion, taken under the “Official Notice”, which shows that it is common practice for members of the general public or a portion thereof (i.e. registered voters are indeed members of the general public or society) to vote for a candidate or prospect in US political elections. In addition, it appears that the Appellant is of the opinion that voting for a candidate or prospect in US political elections is not available as prior art as if such practice was not present before the filing date of the Instant Application, i.e. November 01, 2000 (page 11 of the Appeal Brief). Indeed, voting for a candidate or prospect in US political elections goes back to “1776”.

To this end, combining any of those examples or a portion thereof with the Ireland's reference does indeed render the claimed invention or more particularly independent claims 19 and 30 obvious under 35 USC 103(a), as an ordinary skilled artisan would have concluded at the time of the invention.

In another scenario, the Appellant took issue with the Examiner's comment that it was widely reported that in the future voting in US political elections can be conducted over the Internet. Once again, as described above, the core of the Examiner's assertion, with respect to voting in US political elections, is that such practice is old and well-known and goes back perhaps to "1776". The mention of the Internet in "voting in US political elections" example should be of little or no consequence here. What is at stake here is whether or not voting for a candidate or prospect in US political elections is old and well-known and goes back perhaps to "1776". The answer to that question is positive or affirmative. That is a "fact", capable of instant and unquestionable demonstration or easily identifiable, and requires no additional evidence, under the law, and it appears that the Appellant does not dispute that. Further, isolating bits and pieces from the "Official Notice" and asking the Examiner to show that it was before the filing date of the present Application (priority date issue) is not helpful since it does not take into consideration the core of the "Official Notice", as shown above, which is easily identifiable in the art. Moreover, since voting for a candidate or prospect in US political elections is old and well-known, claiming a system that automates the old process of voting by putting it on the Internet is not patentable over the old practice of voting, for example, in US political elections. In other words, automating a well known manual process does not render the old process patentable (**In Re-Venner, 262 F.2d 91, 95, 120 USPQ 193, (194 (CCPA 1958).**

All in all, contrary to the Appellant's conclusion, combining any of those elements or a portion thereof (the old process of voting in US political elections), cited in the "Official Notice", with the Ireland's reference does indeed render the claims or more particularly independent claim 19 and 30 and dependent claims 32-33 obviousness under 35 USC 103(a), as one of ordinary skills in the art would have concluded at the time of the invention.

In general, the Appellant has failed to clearly point out the salient or novel feature of his invention. Indeed, the argued limitations, as herein presented, are either explicitly or implicitly supported or expected in the primary reference. For example, the Appellant argues that the prior art or Ireland (the primary reference) does not teach, for instance, "providing a form for use in nominating a scholarship recipient nominee" (as recited in claim 28). In reply, the Examiner respectfully disagrees with the Appellant's remarks. In fact, Ireland teaches, *inter alia*, a system for allowing students to apply for a college/university online via a website and providing/transmitting by a plurality of colleges/universities over a computer network or the Internet financial award information including **scholarship information** to potential students. Furthermore, Ireland discloses a system wherein **following a clearing process, a school administrator 60, from a particular school, preferably mails a letter to a potential student 50, which contains an announcement that a financial aid award package, including a scholarship award, has been granted to that student 50, meeting or satisfying one or more conditions or requirements or criteria (e.g. the student 50 has applied to the school), and may be obtained by visiting the website on the computer network 20. The letter preferably contains a URL address, user name and password (col. 6: 29-34).** Needless to say here that Ireland implicitly supports the steps of selecting an award recipient or a scholarship recipient,

after a clearing process (which may include a voting process), based on one or more criteria that are not clearly identified or specified (by Ireland). At this point, although Ireland does not expressly recite the voting concept as featured above, however, that limitation is well documented in the art or practiced in the industry for many years (e.g. voting in US political elections) well before the Appellant's invention and are featured here in the "Official Notice". Thus, incorporating the "Official Notice" into the system of Ireland does indeed render the claimed invention obvious by improving, via a voting process, the selection or clearing process used to select a financial award recipient or scholarship recipient, while making the selecting or clearing process fair and square. Moreover, the Examiner wants to remind the Appellant that an automation of a well-known or well-established business method does not by itself constitute a patentable subject matter (In Re-Venner, 262 F.2d 91, 95, 120 USPQ 193, (194 (CCPA 1958)).

Additionally, the Examiner wants to direct the Board's attention to three CollegeNet (the current Assignee) articles, cited under prior art in eDan, which show the providing of a scholarship to potential college students over the Internet.

Therefore, the Appellant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Appellant's arguments, as herein presented, are not persuasive and thus, **the Examiner's Action should be sustained.**

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

04/10/10

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